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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,070	10/04/2005	Olivier Desjeux	Q90088	6115
23373 7590 04/05/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER WALSH, DANIEL I	
			ART UNIT	PAPER NUMBER
			2876	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,070	<b>Applicant(s)</b> DESJEUX, OLIVIER	
	<b>Examiner</b> Daniel I. Walsh	<b>Art Unit</b> 2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 13, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 14, 15 and 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Receipt is acknowledged of the Amendment received on 1-3-07. The indicated allowability of claims 11, 13, and 16 are withdrawn in view of the newly discovered reference(s) below. Rejections based on the newly cited reference(s) follow.

#### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 13 recites the limitations regarding “detection means”. Based upon the specification, it is unclear what constitutes such means.

Appropriate clarification/correction is requested.

#### ***Claim Objections***

3. Claims 11-20 objected to because of the following informalities:

Replace “electronic units” with – portable electronic units --. Appropriate correction is required.

Re claim 11, line 4: “Replace “with the delimited space” with – with one of the delimited spaces --.

Re claim 11, line 5 and 6: Replace “said entrance” with – said at least one entrance --.

Re claim 11, line 11: Replace “said low” with – said at least one low --.

Re claim 11, line 13: Replace “said higher” with – said at least one higher --.

Re claim 11, page 3, line 1: Replace “the entrance” with – the at least one entrance --.

Re claim 11, page 3, line 6: Replace “two modes” with – two distinct modes --.

Re claim 13, page 4: Replace “the delimited space” with –

Re claims 16 and 17: Correct the dependencies of these claims to both depend on claim 13.

### ***Drawings***

4. The drawings of 1-4-05 are objected to because they appear to be in French, and because it is unclear as to whether at least the detection and processing means (as claimed) are illustrated.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11, 13, and 16-17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vercellotti et al., as cited in the previous Office Action (US 5,317,309) in view of Nishimura et al. (US 5,245,346).

Vercellotti et al. teaches low frequency transmission means associated with a space (entrance) for transmitting at least one low frequency electromagnetic signal (col 3, lines 62+); high frequency transmission-reception means associated with the delimited space for receiving and transmitting at least one higher frequency electromagnetic signal (col 4, lines 55+); card or portable electronic units (4), comprising a low frequency reception module (18) for receiving a low frequency signal (low RF as discussed above, used for the interrogation signals at the portals 1), and a high frequency transmission module for transmitting and receiving the higher frequency electromagnetic signal (oscillator 16 and 17 form a UHF RF transmitter), and at least one central processing unit (9) associated with the space and connected to the low and high frequency means for recording data relative to the entrance and exit of the units, where the system is configured to operate according to at least two modes of operation (beacon mode and identity access interrogation mode as per abstract) in which the units communicate with the HF means and wherein the LF signals comprises selection information indicating which of the modes should be utilized during passage (col 5, lines 49+).

Vercellotti is silent to a high frequency reception module.

Nishimura et al. teaches a receiver for HF reception (col 9, lines 5+).

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Vercellotti with those of Nishimura et al.

One would have been motivated to do this, in order to receive high frequency commands to wake up transponders and to also permit high speed data transmission, improved distances, and permit communication in harsh conditions.

Re claim 13, the Examiner notes that the limitations have been discussed above where the antennas 5 and 6 are interpreted as direction that provide information about position and identity to a control device (col 3, lines 45+).

Re claims 16-17, though silent to the data carry the specified information regarding the time/date/identification of space, the Examiner notes that based on the antenna that detects, it is obvious that a space can be identified, as conventional in the art. The time and date are obvious expedients to provide additional data relating to location. The Examiner notes that the intended use (application to a transport vehicle) is not given patentable weight, because the structure does not differentiate it from the prior art structure that means the structural limitations. Simply applying such a detection system in an alternate environment is an obvious expedient for tracking that would also obtain the predicted/expected results.

***Allowable Subject Matter***

6. Claims 14-15 and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach the switching as claimed in claim 14, the switching as per claim 15, and the system functioning according to the method of claim 18 including the first and second modes of operation.

***Conclusion***

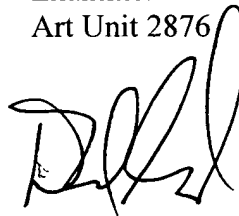
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (See PTO-892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daniel I Walsh  
Examiner  
Art Unit 2876

A handwritten signature in black ink, appearing to read 'D. Walsh', with a stylized flourish at the end.

**DANIEL WALSH**  
**PRIMARY EXAMINER**